

### REMARKS

Claims 15 to 34 are pending in this application, of which claims 15 and 26 are independent.<sup>1</sup> Favorable reconsideration and further examination in view of the foregoing amendments and following remarks.

In the Office Action, claims 1, 3, 4, 8, 11 and 12 were rejected over U.S. Patent No. 5,583,870 (Delprat) in view of U.S. Patent No. 5,983,101 (Billstrom) and U.S. Patent No. 6,125,125 (Narasimha); claims 5 to 7 were rejected over Delprat, Billstrom and Narasimha in view of U.S. Patent No. 5,274,669 (Klank); claims 9 and 10 were rejected over Delprat, Billstrom and Narasimha in view of U.S. Patent No. 4,577,334 (Boer); and claims 13 and 14 were rejected over Delprat, Billstrom and Narasimha in view of U.S. Patent No. 5,598,404 (Hayashi). As shown above, Applicants have added new claims 15 and 28, with corresponding dependent claims that are similar (though not identical) to the cancelled dependent claims.

Independent claims 15 and 28 recite that each of the base stations transmits bursts in a time slot, and that each of the bursts comprises a channel measurement sequence for use in obtaining characteristics of a transmission channel in which a corresponding burst is transmitted. The channel measurement sequences are transmitted by the base stations at a substantially constant power level. The substantially constant power level at which the channel measurement sequences are transmitted is substantially the same for all of the base stations. The applied art is not understood to disclose or to suggest these features.

In this regard, Delprat describes sending bursts in time slots; however, these bursts include training sequences for use in synchronizing databases.<sup>2</sup> The bursts do not include

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<sup>1</sup> The Examiner is urged to independently confirm this recitation of the pending claims.

channel measurement sequences for use in obtaining characteristics of a transmission channel in which a corresponding burst is transmitted. Furthermore, as correctly noted on page 3 of the Office Action, Delprat does not disclose or suggest that base stations transmit channel measurement sequences at substantially constant power levels. Billstrom was cited to make up for this deficiency of Delprat.

Billstrom describes individual base stations that maintain constant power levels for different modulation types.<sup>3</sup> This is done in order to obtain an acceptable C/I ratio at a terminal, where C corresponds to a signal and I corresponds to interference. If a terminal deems the C/I ratio not acceptable, it may attempt another type of modulation in order to obtain an acceptable ratio.<sup>4</sup> There is no indication in Billstrom, however, that the same constant power level is maintained across multiple base stations. That is, unlike claims 15 and 28 (which require substantially constant power level that is the same across base stations), in Billstrom, there is no indication that the constant power level used for the plurality of modulation types in Billstrom is substantially the same for all of the base stations.

Thus, if Delprat and Billstrom were combined, the resulting hypothetical combination would fail to disclose or to suggest at least base stations that transmit channel measurement sequences at substantially same power levels that are substantially constant, where the channel measurement sequences are for use in obtaining characteristics of a transmission channel in which a corresponding burst is transmitted.

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<sup>2</sup> Col. 5, lines 30 to 40

<sup>3</sup> Col. 2, lines 7 to 16

<sup>4</sup> Col. 6, lines 45 to 65

Narasimha was cited for allegedly disclosing transmission of channel measurement sequences at a same time, and is not understood to remedy the foregoing deficiencies of Delprat and Billstrom. Accordingly, claims 15 and 28 are believed to be allowable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, all dependent claims have not be discussed specifically herein.

It is believed that all of the pending claims have been addressed. The absence, however, of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

No fee is believed to be due for this response; however, if any fees are due, please charge them to deposit account 06-1050 referencing Attorney Docket Number 12758-020001.

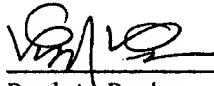
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Serial No. : 09/786,604  
Filed : November 29, 2001  
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Attorney's Docket No.: 12758-020001  
Client's Ref. No.: 1998P02493WOUS

Respectfully submitted,

Date: September 4, 2007  
(Tuesday after Labor Day)

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